

REMARKS

Claims 20 to 26, 28, 30 to 37, and 39 to 43 are pending. Claims 1 to 19 and 44 to 51 are withdrawn. Claims 27, 29, and 38 are cancelled. Claim 20 has been amended. No new matter has been added. Applicants acknowledge the withdrawals of the rejection of Claim 30 under 35 U.S.C. § 112 2nd paragraph and the rejection of Claims 20 to 43 under 35 U.S.C. § 103(a) over Nugent, Jr. et al (US 5,438,109). Claims 20 to 43 are presently rejected as anticipated over Kamae et al (WO 02/066536) under 35 U.S.C. § 102(a) and rejected as anticipated over Shimoda et al (WO 02/081540) under 35 U.S.C. § 102(b).

Amendment to Claim 20 and Cancellation of Claims 27, 29, and 38

Claim 20 has been amended herein to better define that which Applicants regard as their invention. Support for the amendment wherein “water” is added as an element to Claim 20 may be found throughout the specification and claims, for example, at Claims 27, 29, and 38. The subject matter of Claims 27, 29, and 38 is made redundant by the incorporation of water as an element of the invention in claim 20. Thus, Claims 27, 29, and 38 are herein cancelled without prejudice or disclaimer. Applicants reserve the right to file one or more divisional or continuation applications directed to non-elected and/or cancelled subject matter.

Claim 20 is amended further to define the term “carboxylic acid”. Support for the amendment may be found, for example at page 17 paragraphs [0064] and [0069], and page 15 paragraph [0059].

Rejection as anticipated by Shimoda et al (WO 02/066536) under 35 U.S.C. § 102(b).

Claims 20 to 31, 33 to 35, 37 to 39, and 41 to 43 were rejected as anticipated by Shimoda et al (WO 02/066536) under 35 U.S.C. § 102(b), but is now moot as discussed below.

The Office Action alleges that Shimoda et al discloses the claimed polyepoxy resin composition comprising a compound of formula III and a carboxylic acid. This allegation is based, at least in part, on the assertion that Shimoda et al (US 2004/0059085) is identical to

Shimoda et al (WO 02/081540). While Applicants do not concede this assertion, the following argument applies at least to the extent that this assertion is true.

In addition to a polyepoxy resin, Shimoda et al is alleged to disclose a carboxylic acid. In fact, Shimoda fails to disclose a mono-functional carboxylic acid (See page 2, paragraph [0032] through page 3, paragraph [0043], specifically 1,3,6-hexanetricarboxylic acid. Poly-functionality is required in order to crosslink the epoxy (See resin paragraphs [0032] and [0040]). Shimoda discloses further that conventional compounds containing two or more carboxyl groups per molecule have drawbacks [paragraph 0033]. Mono-functional carboxylic acids are not disclosed in Shimoda. One ordinarily skilled in the art recognizes that mono-functional carboxylic acids cannot crosslink, and therefore would not be effective as curing agents for the reaction disclosed in Shimoda.

The Office Action indicated that claims 32, 36, and 40 are not anticipated by Shimoda et al. Applicants have amended Claim 20 to better define the term “carboxylic acid” in the invention as noted above. Claim 20 has been amended to define the carboxylic acid as having only one carboxylic acid functionality. With this amendment to claim 20, the present invention (Claim 20 and all claims dependent thereon) do not read on Shimoda et al. The rejection is moot and Applicants respectfully request that the rejection to Claims 20 to 31, 33 to 35, 37 to 39, and 41 to 43 as anticipated by Shimoda et al under 35 U.S.C. § 102(a) be withdrawn.

Rejection as anticipated by Kamae et al (WO 02/081540) under 35 U.S.C. § 102(a).

The Office Action alleges that Kamae anticipates Claims 20 to 26, 28, 30 to 37, and 39 to 43 are anticipated by Kamae, based at least in part on an assertion that Kamae et al (US 2004/0044147 is identical to Kamae et al (WO 02/081540). Use of the former publication as an anticipation reference under 35 U.S.C. § 102(a) would be improper based on Applicants’ filing date. While Applicants do not concede that the two publications are identical, the following discussion assumes for the sake of argument that this assertion is true.

The Office Action indicated that claims 27, 29, and 38 are not anticipated by Kamae et al. Applicants have amended Claim 20 to better define the invention as noted above. With the addition of water as an element of claim 20, the present invention (Claim 20 and all


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claims dependent thereon) does not read on Kamae et al. The rejection is moot and Applicants respectfully request that the rejection to Claims 20 to 26, 28, 30 to 37, and 39 to 43 as anticipated by Kamae et al under 35 U.S.C. § 102(a) be withdrawn.

Applicants believe that the foregoing constitutes a complete and full response to the Communication of record. Accordingly, an early and favorable Action is requested respectfully.

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